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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,085	09/08/2003	Paul J. Waszkowski	28679/04589	2084

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EXAMINER

LAI, ANNE VIET NGU

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/605,085	Applicant(s) WASZKOWSKI, PAUL J.	
	Examiner Anne V. Lai	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 2, 9, 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,10-13,15,17-21,23 and 25 is/are rejected.
- 7) ☐ Claim(s) 7,14,22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by **Politz** (previously provided).

Politz discloses a vehicle trailer comprising a controller 10 calculate cumulative mileage and an output device 6 communicates the cumulative mileage in the form of coded pulse sequence (ON-OFF) in response to request signal from a user interface 1 (fig. 1, abstract; col. 2, l. 40-48; col. 3, l. 16-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-5, 8, 11-12, 15, 17, 19-20, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McCann** in view of **Gustavsson** or **Politz** (all previously provided).

In claims 1, 4-5, 8, 11-12, 15, 17, 19-20, 23 and 25, **McCann** discloses a method and a system comprising and ECU reading vehicle wheel speed and output blinking or

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flashing lamp in code sequence (pulse, strobe sensory signal in code); a switch (56) is user interface for generating request signal; microcontroller 50 processes coded signal for output; the vehicle is a trailer (fig. 4, col. 7, l. 9-32). **Gustavsson** teaches multiple ways to calculate distance travel on board; and an engine control unit (ECU) may calculate mileages as well (0013; fig. 1); the mileage is calculated for the whole travel distance therefore cumulative mileage is included. **Politz** discloses output cumulative mileage in on-off pulse sequence when requested (see above). It would have been obvious for an ordinary skill in the art to modify McCann's, compute cumulative mileages in the ECU and output blinking coded mileages in diagnostic mode for saving installation of a display device therefore reducing cost.

5. Claims 3, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McCann** modified in view of **Toumayan** (previously provided).

In claim 3, 10 and 18, McCann combined does not disclose truncating mileage output; **Toumayan** teaches truncating the cumulative mileage output to avoid big size display (subtract 200,000 because the most significant digit can only either be blanked or display a one; figs. 2 and 3a-3c; col. 5, l. 17-24, 47-51; col. 6, l. 20-24). It would have been obvious for a long output (for example 12345.8888 miles), some decimals or digits may need truncating for saving time or space at reading output especially when using a coded blinking lamp.

6. Claims 6, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McCann** modified in view of **Horie** (US. 5,748,076) or **Lightner** (all previously provided).

In claims 6, 13 and 21, McCann modified does not disclose audio output; **Horie** teaches a meter display for vehicle comprising visual and audio output ON-OFF code signals representing numerical value (abstract; col. 3, l. 5-18); **Lightner** teaches vehicle mileage is encoded in the ECU and output in voice (col. 3, l. 23-58). It would have been obvious audio output of vehicle mileages is based on designer choice and particular type of output can be selected based on each particular application for cost saving purpose.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 8 and 15 regarding references of O'Neill and Matsumoto have been considered. The references have been withdrawn; however the remaining references of McCann and Gustavsson combined in the previous office action discloses the claimed invention (see office action).

Allowable Subject Matter

8. Claims 7, 14, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. With the reason stated in the response to arguments above and Applicant's amendment with new claim 25 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Toba discloses assigning sound color to actual traveled distance or mileage of the vehicle [0038]. [US. 2003/0220722]

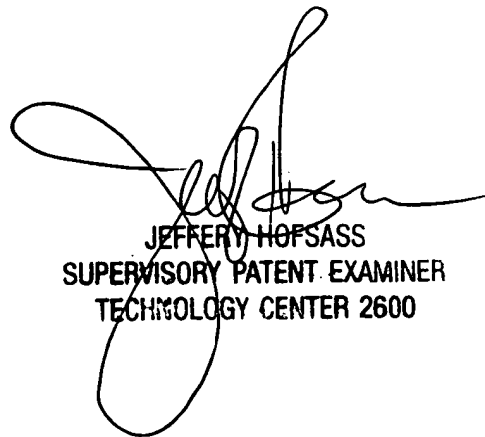
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AVL
8/23/2006



JEFFERY HOPSASS
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TECHNOLOGY CENTER 2600